Calendar No. 1626

82D CONGRESS, 2d Session | SENATE | REPORT No. 1692

MRS. BLANCHE RICHARDS

JUNE 9 (legislative day, JUNE 5), 1952.—Ordered to be printed

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Mr. MCCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 699]

The Committee on the Judiciary, to which was referred the bill (H. R. 699), for the relief of Mrs. Blanche Richards, owner of the Bozarth Nursing Home, having considered the same, reports favorably thereon, without amendment, and recommends that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to pay the sum of $4,082.85 to Mrs. Blanche Richards, owner of the Bozarth Nursing Home, of Toppenish, Wash. The payment of such sum shall be in full settlement of all claims of the said Mrs. Blanche Richards against the United States for reimbursement for hospital services rendered pursuant to authorization by the Yakima Indian Agency for hospital services to ward Indians.

STATEMENT

It appears that Mr. Blanche Richards is the owner of a nursing home at Toppenish, Wash., and that during the years 1937 to 1946 from time to time rendered services in her nursing home to Indian wards under the authorization of the Yakima Indian Agency. The records indicated that during these periods she rendered hospital services to a considerable number of Indians and she has submitted to the committee an affidavit setting forth that the amount set opposite the names of those ward Indians who were given care and treatment in her home is correct.

Dr. H. J. Denman, medical officer, United States Indian Service, Warm Springs, Oreg., makes an affidavit verifying the statement made by Mrs. Richards. He states that:

Mrs. Richards is not wealthy and the nonpayment of these bills constitute a real loss. It was only after some urging on my part that she consented to the compilation of this list. The original records upon which it is based are in her possession. I have gone over then in detail and consider them to be true and correct.

The committee notes that in a letter dated December 7, 1950, the Bureau of the Budget states with reference to this claim:

The Bureau of the Budget is of the opinion that the committee should not recommend favorable action on the present measure until it is thoroughly satisfied, by means of affidavits submitted not only by the claimant but also by Government officials and other disinterested parties who are acquainted with the case, that the amount sought to be recovered is just and reasonable.

With this suggestion in mind, the committee has secured further information from the records of the Department of the Interior with respect to each item contained in the claim and is now of the opinion, after examining these records, that the payment of the amount sought in this bill is just and reasonable and due by the Government to the claimant.

Because of the voluminous nature of the above-referred-to records, they have been retained in the committee files and are not printed as a part of this report. However, other letters and affidavits relating to the claim are reproduced below.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25, D. C., January 3, 1951.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

MY DEAR MR. CELLER: Further reference is made to your request for a report on H. R. 4439, a bill for the relief of Mrs. Blanche Richards, owner of the Bozarth Nursing Home, Toppenish, Wash.

For the reasons hereinafter mentioned, I recommend the enactment of H. R. 4439, subject to your consideration of the views expressed in the enclosed letter from the Bureau of the Budget.

The bill would authorize and direct the Secretary of the Treasury to pay to Mrs. Blanche Richards the sum of $4,082.85 in full settlement of all her claims against the United States for reimbursement for hospital services rendered to Indians pursuant to authorization by the Yakima Indian Agency.

Mrs. Richards has furnished the Bureau of Indian Affairs an itemized list of Indian patients at the Bozarth Nursing Home, showing the year in which hospitalization was given each patient, the name of the medical officer referring the patient to the home, and the amount claimed on account of each patient. Dr. H. J. Denman, physician employed at the Yakima Agency from 1937 to 1946, who personally recommended many of the patients to the home, has advised the Bureau of Indian Affairs that in his opinion the claims are just and reasonable and should be paid. The total amount of the claims, as itemized by Mrs. Richards, aggregates $4,083.60, instead of the sum of $4,082.85 stated in the bill.

In view of all the circumstances, I believe that Mrs. Richards is entitled to compensation on account of these hospital services.

The views of the Bureau of the Budget are stated in a letter dated December 7, 1950, a copy of which is enclosed.

Sincerely yours,

DALE E. DOTY,
Assistant Secretary of the Interior.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington 25, D. C., December 7, 1950.

The honorable the SECRETARY OF THE INTERIOR.

MY DEAR MR. SECRETARY: This will acknowledge Mr. Doty's letter of August 2, 1950, transmitting copies of a proposed report to the House Committee on the Judiciary with respect to H. R. 4439, a bill for the relief of Mrs. Blanche Richards, owner of the Bozarth Nursing Home, Toppenish, Wash.

It is recognized that this claim is similar to others which have been settled through the enactment of private remedial legislation. Such claims were fully supported by detailed information, however, while in the instant case no details have been presented which specifically support the amount claimed in the subject measure. It is understood that specific information is not available because the claimant neglected to keep proper records during the period covered by the claim.

Accordingly, while there would be no objection to the presentation of such report as you deem appropriate for the consideration of the House Committee on the Judiciary, the Bureau of the Budget is of the opinion that the committee should not recommend favorable action on the present measure until it is thoroughly satisfied, by means of affidavits submitted not only by the claimant but also by Government officials and other disinterested parties who are acquainted with the case, that the amount sought to be recovered is just and reasonable.

A bill contemplating the payment of an award in an amount which has been verified to the satisfaction of the committee and the Congress would not be in conflict with the program of the President.

It is requested that you attach a copy of this letter to your report when it is transmitted to the House Committee on the Judiciary.

Very truly yours,

ROGER W. JONES,
Assistant Director, Legislative Reference.

AFFIDAVIT

STATE OF WASHINGTON,
County of Yakima, ss:

Blanche Richards, being first duly sworn, on oath deposes and says: That the attached list constitutes a true, full, and correct account of services rendered various ward Indians of the Yakima Indian Nation during the years as set forth at the request of the doctor whose name appears following the same, and that each and all of the amounts represent the true unpaid balance, which is now due and owing for such service rendered; that no portion of said accounts have been paid, changing or altering the amounts listed as due. These services represented nursing care, room rent, food, medicines, rent of surgery room, and related services; that the within accounts belong to your affiant, and they have not been sold, assigned, or transferred to any other person whomsoever, and that all of said sums are due and owing.

BLANCHE RICHARDS.

Subscribed and sworn to before me this 13th day of May 1949.

[SEAL] PERRY B. WOODALL,
Notary Public in and for the State of Washington, residing at Toppenish, Washington.

WARM SPRINGS INDIAN AGENCY,
Warm Springs, Oreg., April 9, 1947.

To: The Commissioner of Indian Affairs.
Through: L. W. Shotwell, Superintendent, Yakima Indian Reservation, Toppenish, Wash.
From: H. J. Denman, M. D.

The enclosed list of accounts represent unpaid claims for hospital services rendered ward Indians by Bozarth Nursing Home over a period of years from 1939 to 1945. With the circumstances of most of these cases I have personal knowledge as the physician concerned or through Dr. Gold.

There is not the slightest doubt that every account in this list is a just and reasonable claim for hospital services to ward Indians under circumstances of emergency or other adequate reasons. It is equally true that many lives have

been saved by reason of these services which otherwise would have been lost. Especially has this been true in cases of illness among transient farm workers who came into the Yakima Valley for seasonal employment.

Throughout the years (1937–46) of my employment as physician with the Yakima Indian Agency, Mrs. Blanche Richards as proprietor of the Bozarth Nursing Home has always responded to requests for hospital services to ward Indians, often with the full knowledge that collection of her bills would be difficult. It was only during the late war when costs had increased and difficulties of maintenance of an adequate staff rendered it impossible to continue, that she was forced to discontinue operation.

The reason for the nonpayment of these bills are many and varied. It is not considered necessary or even practical to go into detail concerning them. Suffice it to say, that they represent honestly rendered services and in my opinion should be paid.

Mrs. Richards is not wealthy and the nonpayment of these bills constitute a real loss. It was only after some urging on my part that she consented to the compilation of this list. The original records upon which it is based are in her possession. I have gone over them in detail and consider them to be true and correct.

Therefore it is recommended that an allocation of funds be made so that these bills may be paid in toto.

Respectfully,

H. J. Denman, M. D.,
Medical Officer, United States Indian Service.

Bozarth Nursing Home

Name	Doctor	Date	Amount
Antelope, Irene	Dr. Denman	1941	$8.50
Aleck, Irene	do	1945	53.50
Antone, Pat	do	1944	26.50
Agapith, JoAnn	Dr. Gold	1943	160.00
Onley, Mrs. M. E	do	1943	67.10
Adams, Dorothy	Dr. Meagher	1941	68.85
Buber, Mrs. Floyd	Dr. Denman	1941	42.00
Broncheau, Serina	do	1943	26.50
Bigspring, Barbara	do	1943	30.00
Bencomo, Mrs. Doningo	do	1942	16.00
Billy, Marie	do	1942	68.00
Bowers, Mrs. Rudolph	Dr. Shearer	1940	72.00
Bowers, Baby	do	1940	50.00
Cooper, Dorothy	do	1940	68.50
Coyner, Mrs. Harvie	do	1941	40.00
Culps, Mrs. Eli	Dr. Denman	1939	68.15
Crossquo, Joseph	do	1941	12.00
Corbett, Lydia	do	1941	14.00
Colwash, Mrs. Eyle	do	1944	67.20
Conners, Baby Casey	do	1939	57.50
Charley, Billie	do	1940	12.50
Goudy, Catherine	Dr. Gold	1943	12.50
Hoptowit, Margie	do	1943	12.60
Hahn, Nancy	Dr. Meagher	1941	116.10
Finley, Mabel	Dr. Gold	1942	26.40
Howell, Baby	Dr. Denman	1944	29.60
George, Mrs. Andy	do	1944	56.45
Grant, Fred	do	1944	10.50
Fayless, Mrs. Ross	do	1939	43.85
Ives, Clara	Dr. Gold	1943	62.50
LaClaire, Roland	Dr. Denman	1941	28.25
Jackson, Mrs. Jack	do	1940	41.00
Jackson, Evans	Dr. Roller	1941	22.75
Jackson, Mrs. Jack	Dr. Denman	1941	21.00
Do	do	1942	26.50
Menthorn, Elizabeth	do	1939	72.00
Mountain Hors, Reginald	do	1942	9.40
Martin, F. H	do	1941	12.00
Martin, Peter J	do	1943	26.65
Mesplie, Vera	Dr. Shearer	1940	54.50
Nesbit, Mabel	Dr. Denman	1939	58.00
Noonan, Mrs. Jack	do	1941	22.60
Phillips, Isabella	do	1941	35.00
Picard, Albert	do	1940	18.00
Pimms, Richard	do	1939	50.75
Pimms, Mrs. Meda	do	1939	53.50
Pratt, Mrs. Ada	do	1942–44	45.75
Payett, Ben	do	1942	47.60

Bozarth Nursing Home—Continued

Name	Doctor	Date	Amount
Peters, Lorraine	Dr. Gold	1943	$59.75
Phillips, Richards	do	1944	15.00
Qucoposna, Eva	do	1942	26.95
Robbins, Oscar	do	1943	5.00
Stevens, Mary	do	1942	3.00
Starr, Mrs. Norman	do	1943	64.50
Spencer, Mrs. James	do	1945	36.25
Sockzhigh, Doris	do	1942	27.50
Smortlowit, Alice	do	1943	26.25
Shawaway, Ira	do	1943	27.50
Saunders, Leroy	do	1944	26.30
Sampson, Nellie	do	1944	30.60
Telekish, Elizabeth	do	1944	53.50
Totus, Frank	do	1943	86.40
Tomaskin, Robert	do	1943	26.00
Tom, Mrs. Harry	do	1944	57.75
Thomspon, John	do	1944	160.50
Umtuch, Ronald	do	1943	42.00
Umtuch, Rosella	do	1943	29.60
Wak Wak, Joseph	do	1942	54.00
Wak Wak, Danny	do	1942	104.00
White, Beverly Jean	do	1942	42.00
White, Marlene Joyce	do	1942	42.00
White, Mrs. Thomas	do	1942	52.50
Whitefoot, Ambrose	do	1944	26.50
Williams, Garfield	do	1944	51.40
Welsev, Elizabeth	do	1943	15.00
Wapot, Edward	do	1942	40.10
Wapot, Lena	do	1944	20.00
Williams, Mrs. Ben	Dr. Denman	1944	64.55
Wapot, Rose Marie	Dr. Gold	1943	46.00
Tailfeathers, Mrs. Lewis	Dr. Denman	1945	45.00
Simmons, Margaret	do	1944	62.10
Speedis, Mrs. Walter	do	1942	45.60
Simmons, Michael	Dr. Gold	1943	43.00
Spencer, Mrs. Frances	Dr. Denman	1944	57.00
Sams, Laura	do	1940	25.60
Shumaker, Mrs. Donald	do	1941	35.60
Yellowwold, Baby	Dr. Gold	1943	76.50
Edsall, Edwin	do	1943	24.50
Thompson, Mrs. John	Dr. Denman	1940	29.00
Penny, Samuel	Dr. Gold	1943	20.00
Iron, Iola	Dr. Denman	1943	260.75
Total			4,082.85

*Edwin, Sr., non-Yakima; Edwin, Jr., Yakima.

BOZARTH NURSING HOME,
MRS. J. E. RICHARDS, *Proprietor.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS FIELD SERVICE,
YAKIMA INDIAN AGENCY,
Toppenish, Wash., June 4, 1951.

Mr. E. Morgan Pryse,
Area Director, United States Indian Service,
Portland, Oreg.

DEAR SIR: This letter and attached documents are in reply to Indian Office letter of February 14, 1951, relative to the claim of Mrs. Blanche Richards. The Commissioner's letter of February 14 specifically asks for the following information and covering affidavits:

I. Whether the claimant volunteered the hospital services in question

It appears that the Bozarth's Nursing Home was open for business during the period and accepted Indian patients under the following conditions:

(*a*) Patients who had written authorization for hospitalization from the medical officer, payment for which was to be made from gratuity health appropriations; (*b*) patients who carried an authorization from the health officer, payment for which was to be made by the Yakima Indian Agency from funds to the credit of the patient or relative; (*c*) patients who entered the home without signed authorizations but who, when hospitalized, agreed that the payment would be made from personal funds or from funds to their credit at some other Indian

agency other than Yakima; (*d*) patients who entered the home without the knowledge of, or approval of the medical officer, payment for which was entirely between the Bozarth's Nursing Home and the patient.

II. Whether any arrangement existed by which the claimant was to be reimbursed for furnishing the services in question

There existed an arrangement at that time whereby the claimant was to be reimbursed for services furnished as evidenced by the written authorization signed by the medical officer and the resultant payment by means of disbursing officer's voucher (1034) as per the files of the Yakima Indian Agency.

Patients who entered the home and received services without proper authorization were expected to make payment as outlined in the preceding paragraphs.

III. Whether any prior claim has been made by the claimant for reimbursement which has been disallowed

It appears that at the time the services were rendered the Bozarth's Nursing Home, in some instances, issued statements of the amount due which were accepted by the Yakima Indian Agency. In cases where prior written authorization had been issued by the medical officer, the statements were used to support the disbursing officer's voucher when payment was made. In cases where no written authorization was obtained the records show that the statement was used to make payment from individual Indian moneys account or were sent by letter to the Indian's home agency for payment or were transmitted by letter direct to the individual Indian for payment from funds under his personal control.

IV. Whether any prior claim has been made by the claimant for reimbursement for the services in question for which payment has been made

In the process of developing the facts in each of the cases, it appeared that in some instances portions of the bill had been paid, or the bill had been paid in full, or an over-payment had been made. The foregoing comments refer only to individual Indian moneys and not to payment made from gratuity sources. For further information on this point, please see the summarization made by Mrs. Chester and the individual case work sheets and affidavits.

V. Affidavits from Mrs. Richards and other disinterested parties who are acquainted with the case that the amounts claimed are just and reasonable

Attached hereto is an affidavit signed by Mrs. Richards on each case which states that the amounts claimed are just and reasonable. The review of the affidavits will indicate to the reader that full information on each case could not be given.

VI. Affidavits from Government officials who are acquainted with the case that the amounts claimed are just and reasonable

There is attached hereto affidavits signed by Edith Chester, a clerk employed to develop all the facts in connection with the Bozarth's Nursing Home claim, also Dr. Denman's affidavit covering all the cases in general terms.

In the process of developing the facts in the Bozarth's Nursing Home claim, a number of points presented themselves which need explaining. The following explanations are made so that persons reviewing the claim will have the complete picture:

1. *Health situation during period of claim.*—The Yakima Tribe consisted of approximately 4,500 persons, many of whom were medically indigent. The persons considered by the officials to be medically indigent were permitted to enter the various hospitals and nursing homes in the area by authorization from the medical officer. Such authorizations, in writing, meant that the United States Government, Indian Service, Yakima Indian Agency would assume the financial responsibility for the payment of the bills.

There existed among the Yakima Indian Tribe persons who had sufficient personal income, not under the control of the Indian Service, who could and did pay their own medical and hospital bills with or without the knowledge of the medical officer. There was a third group of persons of the Yakima Tribe who had sufficient income, under the control of the Indian Service to pay their medical and hospital bills.

Because of lack of sufficient funds allotted to the Yakima Indian Agency from current appropriations by Congress for the payment of all medical and hospital bills of all Indians the medical officer was required to make a determination at the time a person of Indian blood appeared for medical or hospital services whether or not the bill for such services would be paid by:

(*a*) The Indian Service from gratuity appropriations; (*b*) by the Indian Service from moneys under its control to the credit of the particular person involved; and, (*c*) from personal funds of the individual outside the control of the Indian Service.

The Yakima Valley because of rich farm lands and the resulting need for seasonal workers attracts thousands of persons yearly; many of these persons were Indians from the various tribes in the adjoining States.

2. *Policy of the Indian Service with respect to health among Indians during the period.*—The Indian Service because of the lack of funds, as indicated above, established certain policies with respect to who should or should not, receive medical or hospital services at the expense of the Federal Government. Such policy appears to have been as follows:

(*a*) That all persons who were financially able must pay their own medical and hospital bills; (*b*) that funds allotted to the Yakima Indian Agency was for the medical care of only persons who belonged to the Yakima Indian tribe; (*c*) that all persons who entered the home on their own were to pay their own bills without any reference to the Indian Service.

3. *Regulations covering the use of gratuity health funds during the period.*—(*a*) That in all cases where persons of Indian blood received medical or hospital services for which the Government was to pay the expenses, a written authorization must be had, in advance, signed by the authorized representative of the Indian Service; (*b*) that no Indian woman married to a non-Indian or the offspring therefrom could receive medical or hospital services at the expense of the United States Government; (*c*) that the appropriation acts for this period prohibited the use of such funds for the payment of medical and hospital bills incurred by a person of Indian blood who was not a citizen of the United States.

4. *Operating procedure during period.*—(*a*) The records are clear that the medical officer issued authorizations for the hospitalization of indigent Yakima Indians in the Bozarth's Nursing Home, payment for which has been made from gratuity health appropriations as evidenced by disbursing officers voucher now on file at the Yakima Indian Agency; (*b*) there are on file at the Yakima Indian Agency notations made by the medical officer where persons entered the Bozarth's Nursing Home with authorization; (*c*) there are on file at the Yakima Indian Agency instances where payment was made to the Bozarth's Nursing Home from individual moneys of the person concerned when it appeared, in the medical officer's opinion, that such a person had sufficient income to meet his own expenses; (*d*) the records are clear that many Indians entered the Bozarth's Nursing Home without authorization who belonged to the various tribes from the various States. These letters indicate that the bills from the Bozarth's Nursing Home were being transmitted for payment by the Indians Home Agency.

5. *Records of the Bozarth's Nursing Home.*—Mrs. Edith Chester, a special clerk employed by the Indian Service to compile the data on this claim, appeared at the Bozarth's Nursing Home to secure the data required by Indian Office letter dated February 14, 1951, which is as follows: "Affidavits from Mrs. Richards and other disinterested parties who are acquainted with the case that the amounts claimed are just and reasonable" and found the following conditions existed: That the amounts claimed by Mrs. Richards were substantiated by a card record, which in some instances, did not show the date of entry into the nursing home, number of days therein, services itemized or the amounts paid.

Much difficulty has been encountered in making this report. Additional funds were granted to employ a special clerk to compile the information. We first employed a former nurse, a Mrs. Bernice Allen, who had personal knowledge of the Indians, the Bozarths Nursing Home operations, the physicians and the operation of the Indian Service. Unfortunately, a member of her family became ill; Mrs. Allen took time out to do nursing duty. The period of illness extended into weeks and it was with reluctance that we dropped her from the position. We then employed Mrs. Edith Chester who has done a remarkable job in accumulating the facts in each of the 91 cases.

It is hoped that this report is completed to a point to give final consideration to Mrs. Richard's claim.

Sincerely yours,

PERRY E. SKARRA, *Superintendent.*

AFFIDAVIT

STATE OF OREGON,
County of Jefferson, ss:

I, the undersigned being of lawful age, being first duly sworn according to law, depose and say the following with respect to the claim of the Bozarth Nursing Home:

Mrs. Blanche Richards has been an associate of mine in the professional field only and my beliefs and opinions which follow are in no manner colored or swayed by any otherwise social or business contacts whatsoever. In the beginning it was through my insistance and persuasion that Mrs. Richards compiled this list of 91 outstanding unpaid bills created by Indians of my agency and other agencies throughout the Northwest. In many instances services were rendered indigent Indians who were seasonal farm laborers in the surrounding areas. After carefully scrutinizing each and every claim on the list in addition to those claims authorized by me, I certify that one and all are just claims against the Government to the best of my knowledge and belief. While it is obviously impossible for me, without recourse to records, to verify each individual item as to ward status and amount of claim, I do state that from my knowledge of Mrs. Richards and her methods, there is not the slightest doubt in my mind that collectively they represent a just claim.

It is my belief and desire that Mrs. Richards should be paid the sum of $4,082.85 as she requests, for it represents the minimum amount due her for her care rendered these individuals. Mrs. Richards was never known to refuse any Indian admission into her nursing home as a patient and many times accepted them without authorization of any knowledge of how the bill would be paid. Therefore in view of the above mentioned facts, I recommend that this fair and just claim against the Government be settled as soon as possible and I am willing to testify to the above facts at any time.

H. J. DENMAN, M. D.,
Medical Officer for USIS,
1937–46 at Yakima Agency, Toppenish,, Wash.

Subscribed and sworn to before me at Warm Springs, Oreg., this 21st day of May 1951.

[SEAL]

RUBY D. LENO,
Notary Public for the State of Oregon.

My commission expires October 10, 1952.

O